

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen; ) Civ. No. CV03 00385 SOM-LEK  
Plaintiff, ) (Copyright)  
vs. )  
HAWAIIAN EXPRESS SERVICE, ) **PLAINTIFF WAYNE BERRY'S  
INC., a California corporation; et al. ) MOTION IN LIMINE TO  
Defendants. ) EXCLUDE EXPERT TESTIMONY  
 ) OF BRADLEY DECHTER  
 )  
 )**

**PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE  
EXPERT TESTIMONY OF BRADLEY DECHTER**

Comes now Plaintiff WAYNE BERRY, by and through his attorneys, Lynch Ichida Thompson Kim & Hirota, and moves this Honorable Court for an order prohibiting Defendants offering the expert testimony of Bradley Dechter.

The Motion is brought on grounds that Mr. Dechter has not reviewed the Berry system and therefore has no relevant testimony regarding the effect of that system on the Fleming Companies, Inc. operations.

This motion is made pursuant to Rules 401 and 402 of the Federal Rules of Evidence, and is based on the memorandum of law attached hereto, the records and files herein, and such other matters as may be presented to the Court at the

hearing of this matter.

Dated: Honolulu, Hawaii JAN 3 2006.

  
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TIMOTHY J. HOGAN  
Attorney for Plaintiff  
Wayne Berry